IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 1812 of 2007

Date of Decision : 05.02.2007

Satya Devi ... Petitioner

Versus

State of Punjab and others. .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Ms. Amarjit Khurana, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

While the petitioner was engaged in the employment of the Department of Education, she got herself sterilized on 07.12.1979. On 25.10.1983, the State Government promulgated a Scheme so as to grant special/additional increment to all State Government employees undergoing such sterilization operation so as to promote the small family norms. It is acknowledged by the learned counsel for the petitioner, that the petitioner was not eligible for the grant of special/additional increment under the policy instructions dated 25.10.1983. It is, however, the contention of the learned counsel for the petitioner, that the petitioner became eligible for special/additional increment on the basis of further instructions issued by the State Government dated 03.06.1998. A copy of the aforesaid instructions has been placed on the record of this case as Annexure P/3. We have perused Annexure P/3. We acknowledge the contention of the learned counsel for the petitioner, that the petitioner on the basis of the instructions dated 03.06.1998 issued by the Secretary, Department of Health and Family

Welfare, Punjab, acquired eligibility for grant of the special/additional increment on account of the sterilization operation, which she had undergone on 07.12.1979.

Based on the policy instructions dated 03.06.1998, the petitioner, who in the interregnum retired on attaining the age of superannuation on 31.01.2002, claims special/additional increment.

It is not possible for us to accept the aforesaid contention of the learned counsel for the petitioner. In the first instance, the claim of the petitioner is based on an incident which occurred on 07.12.1979. Secondly, the right of the petitioner accrued for the first time with the issuance of policy instructions dated 03.06.1998, and more than 8 years have elapsed since then. In the meantime, the petitioner retired on attaining the age of superannuation on 31.01.2002, and more than four years have elapsed even after the petitioner's retirement from service. At the instant juncture, it will be wholly improper to allow the petitioner to seek redressal of her grievance for the grant of special/additional increment under the policy instructions dated 03.06.1998, on the basis of a surgery undergone by the petitioner on 07.12.1979.

In view of the above, we hereby dismiss the instant writ petition for the reasons of delay and laches.

(J.S. Khehar)
Judge

February 05, 2007 (S.D. Anand)
vkd Judge